

44786
DO

SERVICE DATE – OCTOBER 15, 2015

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 1117X

ST. LAWRENCE & ATLANTIC RAILROAD COMPANY—DISCONTINUANCE OF
SERVICE EXEMPTION—IN CUMBERLAND COUNTY, ME.

Decided: October 15, 2015

By petition filed on November 8, 2013, St. Lawrence & Atlantic Railroad Company (SLR) sought an exemption under 49 U.S.C. § 10502 from the prior approval requirements of 49 U.S.C. § 10903 to discontinue service over approximately 24.23 miles of rail line owned by the State of Maine located between milepost 1.74 near Deering, Me., and milepost 25.97 at the town line between New Gloucester and Auburn, Me. (the Line). Notice of the petition was served and published in the Federal Register on November 27, 2013 (78 Fed. Reg. 71,037).

By decision served February 25, 2014, the Board granted the discontinuance exemption, subject to employee protective conditions.

On November 5, 2014, B&G Foods North America, Inc. (B&G), the only active shipper on the Line, timely filed an offer of financial assistance (OFA) to subsidize continued operations on the Line for one year. Finding B&G financially responsible and the OFA reasonable, the Board, on November 10, 2014, postponed the effective date of the discontinuance exemption to allow the OFA process to continue.

On November 12, 2014, B&G notified the Board by letter that SLR and B&G had entered into an OFA subsidy agreement. By decision served December 4, 2014, the Board confirmed that the effective date of SLR's discontinuance exemption remained postponed until the subsidy agreement is discontinued.

By letter dated October 5, 2015, SLR notified the Board that the subsidy agreement will expire on October 31, 2015, and requests that the Board vacate the decision postponing the effective date of the discontinuance exemption and allow the exemption to take effect on November 1, 2015.

Accordingly, the Board will vacate the decisions postponing the effective date of the discontinuance exemption. See 49 C.F.R. § 1152.27(j).

It is ordered:

1. The decisions served November 10, 2014, and December 4, 2014, postponing the effective date of the exemption are vacated.

2. The discontinuance exemption granted in the decision served February 25, 2014, will be effective on November 1, 2015.

3. This decision is effective on its date of service.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.